

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CASE NO. 3:23-CV-683-DCK**

COLE LEVY,)	
)	
Plaintiff,)	
)	
v.)	<u>ORDER</u>
)	
COMMISSIONER OF SOCIAL SECURITY,)	
)	
Defendant.)	
)	

THIS MATTER IS BEFORE THE COURT on “Defendant’s Motion For Remand” (Document No. 9) filed February 16, 2024. The parties have consented to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(c), and immediate review is appropriate. Having carefully considered the motion and the record, and noting consent of the parties, the undersigned will grant the motion.

Based on the parties’ agreement and applicable authority, the Court will direct that the Commissioner’s decision be reversed pursuant to 42 U.S.C. § 405(g) and that this matter be remanded to the Commissioner for further proceedings. See Shalala v. Schaefer, 509 U.S. 292 (1993); Melkonyan v. Sullivan, 501 U.S. 89 (1991).

Sentence four of 42 U.S.C. § 405(g) provides, in pertinent part, that “[t]he court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing.” Defendant here has moved for reversal of the decision below and for a remand of this case for further administrative proceedings. (Document No. 9). For the reasons stated in Defendant’s motion, the Court finds that remand is appropriate.

IT IS, THEREFORE, ORDERED that “Defendant’s Motion For Remand” (Document No. 9) is **GRANTED**.

IT IS FURTHER ORDERED that “Plaintiff’s Social Security Brief” (Document No. 6) be **DENIED AS MOOT**.

IT IS FURTHER ORDERED that the Clerk of the Court shall enter a separate Judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure and that this matter be **CLOSED**.

SO ORDERED.



David C. Keesler
United States Magistrate Judge 